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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,157	11/12/2003	Edgar A. Tu	SCEA03007US00/1666	7578
24272	7590	05/04/2007		
Gregory J. Koerner Redwood Patent Law 1291 East Hillsdale Boulevard Suite 205 Foster City, CA 94404			EXAMINER CHEA, PHILIP J	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 05/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/706,157

Applicant(s)

TU ET AL.

Examiner

Philip J. Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/11/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

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DETAILED ACTION

Claims 1-52 have been examined.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on April 11, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 41 mentions a computer readable medium, but the specification does not provide an example for what a medium can be.

Claim Objections

3. Claim 22 is objected to because of the following informalities: Claim 22 is apparently supposed to be dependent on claim 21 not claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIntyre et al. (US 2004/0201709), herein referred to as McIntyre.

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As per claims 1,21,41-47,52, McIntyre discloses a system for performing a streamlined photo distribution procedure in an electronic network, comprising:

a photo data source configured to provide photo data to a source device in said electronic network (see paragraph 98, where a photo data source is considered an electronic camera and source device is considered a computer Fig. 1 [10], coupled to the electronic camera);

[claim 52], a portable electronic device (i.e. an electronic camera is portable);

a source photo manager of said source device configured to designate a message target for receiving said photo data from said source device (see paragraph 100, where a message target is an email address of the photo recipient);

a source mail program of said source device configured to automatically receive said photo data from said source photo manager, said source mail program automatically creating a photo message that includes said photo data and photo identifier means to request a special handling of said photo data, said source mail program automatically transmitting said photo message over said electronic network (see paragraph 100, where a mail program can perform an "auto transfer" to email pictures to recognized individuals in the pictures; the photo identifier means provided by the DPOF and the special handling is considered the auto transfer to the recognized recipients);

a target mail program of a target device corresponding to said message target, said target mail program downloading said photo message from said electronic network, said target mail program automatically detecting said photo identifier means in said photo message; and a target photo manager of said target device configured to receive said photo data from said target mail program whenever said photo identifier means is detected (see paragraph 57, where an individual can be automatically forwarded images when their face is recognized in the photographs, the photo identifier matching the user and forwarding address).

Although the system disclosed by McIntyre shows substantial features of the claimed invention (discussed above), it fails to disclose that said target photo manager automatically storing said photo data into a target photo album of said target device.

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However, McIntyre does show that a recipient can automatically receive a photo product, such as a photo album containing one or more images that is mailed to an address provided by the recipient (see paragraph 110). At the time of the invention, a person having ordinary skill in the art would have recognized that since McIntyre also teaches emailing people photos (see paragraph 100), it would have been obvious to email recipients a photo product, such as a photo album in order to receive the photo product in electronic form for easy sharing and immediate delivery.

As per claims 2,22,48, McIntyre further discloses an electronic camera device that communicates with said source device by utilizing at least one of a wireless and a hard-wired communication technique (see paragraph 54).

As per claims 3,23, McIntyre further discloses that the source device is implemented as a consumer-electronics entertainment device that communicates with said target device through the electronic network (see paragraph 54, where an entertainment device is considered a computer).

As per claims 4,24, McIntyre further discloses that the consumer-electronics entertainment device is network-enabled to communicate over said electronic network, and wherein respective stand-alone functionalities of said electronic camera device and said consumer-electronics entertainment device are combined to effectively perform said streamlined photo distribution procedure in said electronic network (see paragraph 54).

As per claims 5,25, McIntyre further discloses The system of claim 3 wherein said consumer-electronics entertainment device is configured to include a hard-disk-drive memory device storing one or more electronic gaming programs, said consumer-electronics entertainment device being further configured to include a broadband navigator and a network adapter for communicating over said electronic network (see paragraph 55). McIntyre does not expressly disclose a electronic gaming programs. However, at the time of the invention, it would have been obvious to one of ordinary skill in the art that electronic gaming programs can be run on computers.

As per claims 6,26,49, McIntyre further discloses said photo identifier means includes a special photo identifier tag that said source mail program creates as part of a message header of said photo

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message to thereby identify said photo message as containing said photo data for automatically storing into said target photo album by said target photo manager (see paragraph 100).

As per claims 7,27, McIntyre further discloses said electronic network includes an Internet network, said source device communicating with said target device via said Internet network (see paragraph 53).

As per claims 8,28, McIntyre further discloses said electronic network includes at least one of an intranet network and a peer-to-peer network, said source device communicating with said target device via said at least one of said intranet network and said peer-to-peer network (see paragraph 61, where VPN is considered intranet).

As per claims 9,29, McIntyre further discloses said target photo album is configured to store and display at least one set of said photo data, said at least one set of said photo data including image data corresponding to a captured photographic image and optional ancillary data related to said image data, said target device utilizing said photo manager to selectively organize and manage said at least one set of said photo data in said photo album (see paragraph 110).

As per claims 10,30, McIntyre further discloses said source photo manager of said source device initially performs a message-target pre-selection procedure to designate said message target for receiving said photo data from said source device prior to obtaining said photo data from said photo data source (see paragraph 102, where preselected message attributes are set up by default).

As per claims 11,31, McIntyre further discloses wherein said source photo manager of said source device initiates a streamlined one-click transmission procedure in which said source photo manager captures said photo data from said photo data source, said source photo manager then automatically sending said photo data to said source mail program (see paragraph 100).

As per claims 12,32, McIntyre further discloses said source mail program automatically attaches said photo data and said photo identifier means to said photo message, said source mail program then automatically transmitting said photo message to a network server in said electronic network for retrieval by said message target (see paragraph 100).

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As per claims 13,33, McIntyre further discloses said source photo manager of said source device initiates a streamlined two-click transmission procedure in which said source photo manager captures said photo data from said photo data source, said source photo manager then automatically generating a message-target user interface for designating said message target for receiving said photo data (see paragraph 100, where two clicks corresponds to optionally reviewing the captured images requiring a second click).

As per claims 14,34, McIntyre further discloses said source photo manager of said source device manages a message-target selection procedure to designate said message target for receiving said photo data from said source device, said source photo manager then automatically sending said photo data to said source mail program (see paragraph 100).

As per claims 15,35, McIntyre further discloses said source mail program automatically attaches said photo data and said photo identifier means to said photo message, said source mail program then automatically transmitting said photo message to a network server in said electronic network for retrieval by said message target (see paragraph 100).

As per claims 16,36, McIntyre further discloses said target mail program of said target device performs a log-in procedure for communicating with a network server of said electronic network, said target mail program then downloading said photo message from said network server to said target device (see paragraph 61, where the log-in is implied if not inherent by the need for a third party to be authorized in order to view a users' images).

As per claims 17,37, McIntyre further discloses a special photo-message reader of said target mail program decodes a message of said photo message to determine whether said photo identifier means is detected as part of said photo message (see paragraph 57). Although McIntyre does not disclose a header per se, it would have been obvious to place the photo identifier in the header in order for the target device to determine if the recipient is authorized to view the image.

As per claims 18,38, McIntyre further discloses said target mail program automatically provides said photo data to said target photo manager whenever said photo identifier means is detected, said target photo manager automatically storing said photo data into said target photo album of said target

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device (as discussed above, it would have been obvious to include a photo album manager in order to share the photos and immediately receive them instead of waiting for the album to be mailed).

As per claims 19,39, McIntyre further discloses said source photo manager designates a plurality of message targets for receiving said photo data from said source device, said source mail program of said source device automatically transmitting a plurality of photo messages over said electronic network to said plurality of message targets, a plurality of target devices automatically storing respective copies of said photo data into corresponding target photo albums (see paragraph 100, where it would be obvious to email photo albums as discussed above).

As per claims 20,40, McIntyre further discloses said photo message is alternately implemented to distribute at least one of audio data, graphics data, video data, and text data instead of said photo data (see Fig. 17, where text data can also be distributed).

As per claim 50, McIntyre further discloses that said source data manager designates one or more message targets for receiving data by selecting from a message target address book, utilizing a message target default set, or manually entering one or more message target addresses (see paragraph 100).

As per claim 51, McIntyre further discloses said source data manager automatically stores said data into a local data album corresponding to said source device while said source device also automatically transmits said data over said electronic network (see paragraph 54).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

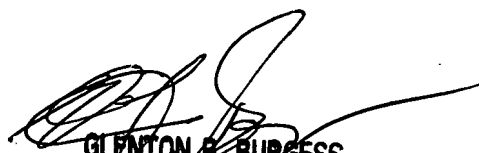
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Philip J Chea
Examiner
Art Unit 2153

PJC 4/24/07



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